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10/072,553

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Bruce Plotnick

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06/13/2006

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/072,553

Applicant(s)

PLOTNICK, BRUCE

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 19-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-14 and 19-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 3/29/06 have been fully considered but they are not persuasive.

Applicant argues that Kikinis fails to teach every element of claim1. Kikinis fails to teach sending a reminder marking to the STT that stores a remote EPG during synchronization between the local EPG on the PDA and the remote EPG on the STT as claimed. By contrast Kikinis merely uses an input device 160 to interact with the video display 105 in the same way that a conventional remote control 120 does. Kikinis displays the same EPG on the display device 158 of the computer device 150 that is displayed on video display 105, i.e. the television. There is no local EPG on the PDA and remote EPG on the STT as claimed. Instead there is merely one EPG that is merely displayed in two places. Thus there is no need to do any synchronizing as claimed. (Response page 3).

Regarding applicant's argument, the Examiner disagrees. Applicant is apparently citing the portions dealing with the input device 160, while ignoring the cited portions dealing with the remote PDAs disclosed in paragraphs 34-40.

Kikinis discloses that PDA's 220 and hand held devices 310 are wireless devices with antennae 315a-n, which transmit via RF waves via wireless protocols such as cellular, PCM, Bluetooth etc, and may communicate wireless with a STB 205 without

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going through an intermediate network 125, see figures 2 and 3. Each handheld device may be implemented in a similar fashion to a previously described input device 160 (paragraphs 26-27, 33-34) in order to make viewing selections, preprogram reminders for viewing selections, program recording events or any other functions typical of electronic programming guides (paragraph 30). A number of viewers may view the same EPG on a plurality of wireless enabled hand held devices. The wireless connection may transmit each user's comments or changes to each EPG enabled device, thus in order to be synchronized to display the same EPG, the user's comments, changes and selections must be transmitted during a synchronization step (paragraphs 38-39). EPG selections may be stored on the STB (original claim 17 in conjunction with original claims 19 and 20) and the EPG itself may be displayed on a display 105 (paragraph 33).

As the handheld units are wireless devices, and wireless devices have a finite range, and as Kikinis teaches that the hand held units may communicate with the STB wirelessly, and is silent with regards the use of a repeater or any other intermediate device between a Bluetooth enabled STB and Bluetooth enabled PDA (see figure 2,3 no intermediate repeating element), and that the PDA may be used to browse select and display portions of the EPG on the display 105, direct communications must take place between the handheld device and the STB. Further, given the short range of the Bluetooth standard, synchronization of the EPGs cannot take place between a handheld device and the STB unless a handheld device is within short proximity of a Bluetooth enabled receiver.

Therefore, Kikinis does teach synchronization between a STT and PDA.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application 2002/0010925 A1 to Kikinis.

Regarding claim 1, Kikinis discloses a method (paragraphs 26, 29-31) comprising:

Providing at least program listing for browsing and for selecting a given program listing (paragraph 30), the program listings presented on the personal digital assistant through the use of a local electronic program guide stored on the PDA (paragraph 7, 25-26, 30, 32, 34, 39, the PDA is coupled to the STB via both a network 154 and link 152, further the EPG is implemented on the PDA so a local copy of the EPG must be stored);

Receiving by the PDA a reminder marking for a program that is not currently being aired (paragraphs 7, 30, 35-, 38-40, users may transmit copies of an EPG to one

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another and program the EPG, communications with STB may use the Bluetooth protocol;

Sending the reminder marking to a STB 205 that stores a remote EPG, during synchronization between the local EPG on the PDA 220 and the remote EPG on the STB, the synchronization being performed only after it is determined that the PDA is in direct communication with the PDA (paragraphs 35, 36, 38-40, user connects with the remote EPG at the STB to program their selections, a Bluetooth connection may be utilized to directly couple the STB and the PDA)

Regarding claim 2, Kikinis discloses that input device 220 (PDA) maybe be used to make viewing selections (paragraph 30, 35, 36).

Regarding claim 3, Kikinis discloses that input device 160/220, may be used to make a program recording selection in order to record a program at its air time, and that the remote program guide transmits this data to the local program guide (paragraphs 7, 16, 30, 31) in order to synchronize a users EPG running on PDA 220 with the EPG running on STB 205 (paragraphs 38-40) and enable recording (paragraph 20, 31).

Regarding claims 4 and 25, Kikinis discloses that input device 160/220 running an EPG , may be used to make a recording selection and transmits a plurality of parameters (start and end times, paragraph 31) to the recording device 115, the

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parameters to instruct the device to record the program, paragraphs 7, 16, 30-31, and 41).

Regarding claim 5, Kikinis discloses that input device 160/220 is used to make recording selections, and that the EPG instructs recording device 115 as to when it should record a program (paragraph 30-31 start and end times).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9, 14, 19, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis.

Regarding claims 8, 19, and 23, Kikinis discloses a system (paragraphs 26, 29-31 comprising:

A local EPG for presenting a plurality of program listings for browsing and receiving a reminder marking (STB 205, paragraphs 21, 30, 35-36, 38-40)

a mobile computing device 220 having local storage the for storing a local electronic program guide (paragraphs 26, 29, 30, 35, 36, local storage is required in order for a user to display, interact and transmit selections to another device and Kikinis teaches that the EPG on the PDA performs all the PEG functions), the mobile computing device operative to receive the program guide data, which is presented by the local electronic program guide (paragraphs 26, 29, 30), the local program guide further operative to receive input to set a recording mark or a future program reminder (paragraphs 30-31); and

wherein the reminder marking is sent to a STB 205 that stores a remote EPG from the PDA, during synchronization between the local EPG on the PDA 220 and the remote EPG on the STB, the synchronization being preformed only after it is determined that the PDA is in direct communication with the PDA (paragraphs 35, 36, 38-40, user connects with the remote EPG at the STB to program their selections, a Bluetooth connection may be utilized to directly couple the STB and the PDA)

Kikinis fails to disclose a program-listing server but does disclose that broadcast server 135 may transmit recording instructions (paragraph 31) and that the PDA is coupled to the network 125 (figure 1).

The examiner takes official notice that the use of a server, which transmits EPG information to a remote device via a network, is notoriously well known in the art. Utilizing an EPG server allows EPG updates to be rapidly distributed to EPG enabled devices from a single point.



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Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to utilize an EPG listing server, thus enabling rapid updates of EPG information from a single point.

Regarding claim 9, Kikinis discloses that the mobile computing device may be a PDA (paragraph 26).

Regarding claim 14, Kikinis discloses that the PDA synchronizes the recoding command with a recoding device 115 (paragraphs 30-31).

Regarding claim 21, Kikinis discloses that input device 160/220, may be used to make a program recording selection in order to record a program at its air time, and that the remote program guide transmits this data to the local program guide (paragraphs 7, 16, 30, 31) in order to synchronize a users EPG running on PDA 220 with the EPG running on STB 205 (paragraphs 38-40) and enable recording (paragraph 20, 31).

4. Claims 6, 7, 10, 11, 20, 22 and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis in view of U.S. Patent Application 2002/0133821 to Shteyn.

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Regarding claims 6, 10, 11, 22, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis fails to disclose marking a reminder in a PDA calendar application.

Shteyn discloses a PDA, which interfaces with an EPG (paragraph 4) and a PDA calendar application in order to allow a user to plan their schedule (paragraphs 15-17 and 21).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to place a reminder in a PDA calendar application as taught by Shteyn, thus enabling a user to better plan their viewing activities.

Regarding claims 7, 20 and 24, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis and Shteyn are silent regarding issuing an alert when a program is scheduled to air.

The examiner takes official notice that generating alerts for a reminded program when it is about to air and generating alerts on a PDA is notoriously well known in the art. Alerts allow a user to remember to tune to a program, and alerts on a PDA remind a user when an activity is supposed to take place.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Kikinis and Shteyn to generate an alert before a program is to air, thus reminding a user to tune to a program which they desired to view.

5. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application 2002/0010925 A1 to Kikinis in view of U.S. Patent 5,699,107 to Lawler.

Regarding claim 12, Kikinis discloses a use of a PDA 220, which displays EPG info and sets program reminders (paragraphs 26-27, 30, 35-36).

Kikinis fails to disclose the contents of the reminder, including channel, program title, start time and end time.

Lawler discloses a reminder system in which a reminder includes the channel, program title, and start time (figure 9), stores timeslot information (column 11, lines 57-67, column 12, lines 44-63) and displays an icon in the EPG (column 13, lines 7-16), thus enabling a user to recognize programs for which a reminder has been previously set.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Kikinis to store the channel, program title, start time and end time by associating the reminder with a timeslot, and displaying a reminder icon, as taught by Lawler, thus enabling a user to recognize programs for which a reminder has been previously set.

Regarding claim 13, Lawler discloses the use of a calendar (figure 6, date 104), and issues an alert when a reminded program is about to begin (figure 9, column 12, lines 51-63).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL



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